SUPREME COURT, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-1680

HOUSING AUTHORITY OF THE CITY OF NEW HAVEN, POLLY MOORER, and JOSEPH R. PETERS,

Petitioners,

v.

DONALD T. DORSEY, Commissioner of the Department of Community Affairs of the State of Connecticut; ROBERT I. BERDON, Treasurer of the State of Connecticut; ADOLF G. CARLSON, Commissioner of Finance and Control of the State of Connecticut; NATHAN G. AGOSTINELLI, Comptroller of the State of Connecticut; and BARTHOLOMEW GUIDA, Mayor of the City of New Haven,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CONNECTICUT

Motion of Connecticut State Conference of the National Association for the Advancement of Colored People and of the New Haven Branch of the National Association for the Advancement of Colored People for leave to file Brief as Amici Curiae

LEDGE PRESS, PRINTERS, HARTFORD

Pursuant to Rule 42(3) of the Supreme Court Rules, the Connecticut State Conference of the National Association for the Advancement of Colored People (hereinafter referred to as "State Conference NAACP") and the New Haven Branch of the National Association for the Advancement of Colored People (hereinafter referred to as "New Haven NAACP") respectfully move this Court for leave to file the accompanying brief in this case as *amici curiae*.

The consent of the attorneys for the petitioners herein has been obtained, but the attorney for the respondents, Dorsey, Berdon, Carlson and Agostinelli, has refused to consent to the filing of a brief by the State Conference NAACP and the New Haven NAACP as *amici curiae*. The Assistant Attorney General for the State of Connecticut representing the respondents, Dorsey, Berdon, Carlson and Agostinelli, has advised counsel for the State Conference NAACP and the New Haven NAACP that he would not consent to the filing of a brief as *amici curiae* at this stage.

On August 1, 1973, by means of a letter directed to the Clerk of this Court, the office of the Attorney General of the State of Connecticut consented to the filing of a brief as *amicus curiae* on behalf of the National Tenants Organization supporting the petition for a writ of certiorari herein, which brief has been filed with the Court as of the date hereof.

On July 10, 1973, by a letter from the office of the Attorney General of the State of Connecticut, the Clerk of this Court was advised that, pursuant to Rule 24(3) of the Supreme Court Rules, the Attorney General waived the right to file a brief in opposition to the petition for a writ of certiorari herein.

On September 10, 1973, the Attorney General of the State of Connecticut was advised by a letter from the Clerk of this Court that the Court would require the Attorney

General to file a brief in opposition to the petition for certiorari herein, said brief in opposition to be filed by October 11, 1973.

The applicants, The State Conference NAACP and The New Haven NAACP, are concerned with improving the political, educational, social and economic status of minority groups, with eliminating racial prejudice, with keeping the public aware of the adverse effects of racial discrimination and with taking all lawful action to secure the elimination of racial discrimination. They have an interest in this case in that it involves an attempt by the New Haven Housing Authority and by two black tenants of public housing in New Haven, acting on behalf of all other minority people similarly situated, to secure a voice for tenants of public housing in the management and operation of public housing. A large majority of public housing tenants in New Haven are black, Spanish or other minority peoples. Petitioners Polly Moorer and Joseph R. Peters are black. They were duly appointed commissioners of the petitioner Housing Authority. The action of the respondents disallowing them from continuing to serve as housing authority commissioners and disallowing any public housing tenant from so serving constitutes an illegal and arbitrary deprivation of their rights as citizens to be considered for public office and an unconstitutional discrimination against the petitioners individually and against all other persons similarly situated.

The brief of the petitioners herein in the Supreme Court for the State of Connecticut argues that the federal law and the federal policy prohibit the barring of a person from serving as a commissioner of a local public housing authority because of his tenancy in that housing authority and the Supremacy Clause of the Federal Constitution renders null and void any state statute which forbids a tenant of a housing authority from being a commissioner thereof due to the fact

of federal legislation expressly permitting such commissionerships. In addition, petitioners' brief argues that the Fourteenth Amendment to the Federal Constitution, as it relates to privileges and immunities, equal protection and due process, protects the right of a tenant of a public housing authority to be a commissioner thereof. However, the discussion in petitioners' brief of the Fourteenth Amendment and federal preemption points is not adequate, especially when considered in the light of the actual make-up of the population of the public housing authority tenancies and the positions taken in other states with large numbers of minority group tenants in public housing and applicants believe that these arguments must be expanded and made more complete from their vantage point in this Court. If these arguments are approved by this Court, applicants are confident the decisions of the courts below must be reversed.

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